

PH-003



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Mail Date: 11/12/04

Application Number: 10/612236

ARTHUR J BEHIEL  
6601 KOLL CENTER PARKWAY  
SUITE 245  
PLEASANTON, CA 94566

## NOTICE TO PAY BALANCE OF ISSUE FEE

The issue fee payment filed on 10/18/04 has been received. Although the fee specified in the Notice of Allowance was received, new patent fees went into effect on October 1, 2004, after the mailing date of the Notice. See the final rule, *Revision of Patent Fees for Fiscal Year 2005, Final Rule*, 69 Fed. Reg. 52604 (August 27, 2004). As stated in the final rule, "Any fee amount that is paid on or after the effective date of the fee adjustment will be subject to the new fees then in effect." The Notice of Allowance (Form PTOL-85) that was mailed prior to October 1, 2004, stated an issue fee amount that was in effect prior to October 1, 2004. However, in as much as the issue fee was paid on or after October 1, 2004, the new issue fee amount was due instead of the amount specified in the Notice of Allowance.

In accordance with 37 CFR 1.317, applicant is given a time period of **THREE (3) MONTHS** from the mailing date of this notice during which to pay the **BALANCE DUE** indicated below. The balance due is the difference between the issue fee required on the date that the correct issue fee is paid and the amount that was previously paid. Applicants should check the current fee schedule posted on the USPTO internet web site at: <http://www.uspto.gov/main/howtofees.htm> before paying the balance due in order to ensure that the correct fee is paid. This three-month time period may not be extended. If the balance due is not paid before the expiration of the three-month period, the application will become abandoned (if not issued) or the patent will lapse (if issued) at the termination of the three-month period.

|               | Column A                    | Column B  |                          |
|---------------|-----------------------------|-----------|--------------------------|
| TYPE OF ISSUE | ISSUE FEE IN EFFECT         | ISSUE FEE | BALANCE DUE <sup>1</sup> |
| FEE PAID      | AS OF OCTOBER 1, 2004       | PAID      | [Col. A minus Col. B]    |
|               | large entity / small entity |           |                          |
| UTILITY       | \$1,370.00/ \$685.00        | \$ 670.00 | \$ 15.00                 |
| DESIGN        | \$490.00 / \$245.00         | \$        | \$                       |
| PLANT         | \$660.00 / \$330.00         | \$        | \$                       |

11/23/2004 HMEKONE1 00000047 10612236

01 FC:2501

685.00 DP

*Krystal Paige*  
Krystal Paige, Patent Publications  
Tel: 703-305-9080

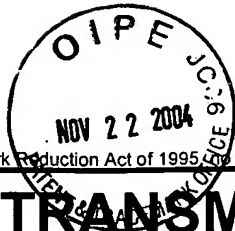
A copy of this notice **MUST** be returned with payment.

## CERTIFICATE OF MAILING

I hereby certify that this notice and the required additional fee are being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Printed Name: Laurie MorenoSignature: *Laurie Moreno*Date: 11/17/04

<sup>1</sup> Applicants should check the current fee schedule posted on the USPTO internet web site at: <http://www.uspto.gov/main/howtofees.htm> before paying the balance due in order to ensure that the correct issue fee is paid.



PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)15.00**Complete if Known**

|                      |                      |
|----------------------|----------------------|
| Application Number   | 10/612,236           |
| Filing Date          | 07/01/2003           |
| First Named Inventor | Gary L. Brundage     |
| Examiner Name        | Nguyen, Phuongchi T. |
| Art Unit             | 2853                 |
| Attorney Docket No.  | PH-003               |

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid             |
|----------------------------|----------------------------|------------------------|----------------------|
| 1001 790                   | 2001 395                   | Utility filing fee     |                      |
| 1002 350                   | 2002 175                   | Design filing fee      |                      |
| 1003 550                   | 2003 275                   | Plant filing fee       |                      |
| 1004 790                   | 2004 395                   | Reissue filing fee     |                      |
| 1005 160                   | 2005 80                    | Provisional filing fee |                      |
| <b>SUBTOTAL (1)</b>        |                            |                        | <b>(\$)</b> <u>—</u> |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent        | -20** =      | X              |          |
| Multiple Dependent | -3** =       | X              |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 88                    | 2201 44                    | Independent claims in excess of 3                          |
| 1203 300                   | 2203 150                   | Multiple dependent claim, if not paid                      |
| 1204 88                    | 2204 44                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)****(\$)** —

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110      | 2251 55       | Extension for reply within first month                                     |          |
| 1252 430      | 2252 215      | Extension for reply within second month                                    |          |
| 1253 980      | 2253 490      | Extension for reply within third month                                     |          |
| 1254 1,530    | 2254 765      | Extension for reply within fourth month                                    |          |
| 1255 2,080    | 2255 1,040    | Extension for reply within fifth month                                     |          |
| 1401 340      | 2401 170      | Notice of Appeal   |          |
| 1402 340      | 2402 170      | Filing a brief in support of an appeal                                     |          |
| 1403 300      | 2403 150      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,370    | 2453 685      | Petition to revive - unintentional   |          |
| 1501 1,370    | 2501 685      | Utility issue fee (or reissue)   |          |
| 1502 490      | 2502 245      | Design issue fee   |          |
| 1503 660      | 2503 330      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 790      | 2809 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 790      | 2810 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 790      | 2801 395      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) Notice to Pay Balance of Issue Fee **15.00**

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** **(\$)** 15.00**SUBMITTED BY**

Name (Print/Type)

Arthur J. BerielRegistration No.  
(Attorney/Agent)39,603

(Complete if applicable)

Telephone

925-621-2113

Signature

Date

11/17/04**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|   |                      |                        |        |
|---|----------------------|------------------------|--------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/612,236             |        |
|   | Filing Date          | 07/01/2003             |        |
|   | First Named Inventor | Gary L. Brundage       |        |
|   | Art Unit             | 2833                   |        |
|   | Examiner Name        | Nguyen, Phuongchi T.   |        |
| Total Number of Pages in This Submission  | 3                    | Attorney Docket Number | PH-003 |

| ENCLOSURES (Check all that apply)  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br>PTOLSB/17<br>Check #1883 | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Amendment/Reply   | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Affidavits/declaration(s)   | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> Terminal Disclaimer                              | 1. Copy of "Notice to Pay Balance of Issue Fee".  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)  | <input type="checkbox"/> Request for Refund                               | 2. Return Receipt Postcard.   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application   | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53  | <input type="checkbox"/> Landscape Table on CD                            |   |
| Remarks  |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm Name                                  | Silicon Edge Law Group LLP, Arthur J. Behiel, Patent Attorney |          |        |
| Signature                                  |   |          |        |
| Printed name                               | Arthur J. Behiel  |          |        |
| Date                                       | November 17, 2004   | Reg. No. | 39,603 |

| CERTIFICATE OF TRANSMISSION/MAILING   |               |      |                   |
|---|---------------|------|-------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |               |      |                   |
| Signature   |               |      |                   |
| Typed or printed name   | Laurie Moreno | Date | November 17, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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